

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	
<b>ROY</b>	)	
	)	Examiner: M. Khan
Serial No. <b>10/780,258</b>	)	
	)	
Filing Date: <b>February 17, 2004</b>	)	
	)	Art Unit: 2617
Confirmation No. <b>3428</b>	)	
	)	
For: <b>SYSTEM AND METHOD OF</b>	)	
<b>RETRIEVING ELECTRONIC MAIL</b>	)	Attorney Docket No.
	)	<b>11783-US-PAT (80238)</b>

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Final Office Action mailed September 2, 2009, and in connection with the Notice of Appeal filed concurrently herewith, please consider the remarks set out below. The Examiner rejects claims 1, 3, 5-9, 11-15, 18-22, 24-27, 29, 31-35 and 37 as anticipated by U.S. Patent No. 5,958,066 to Eggleston et al. (hereinafter "Eggleston") and claims 10, 23, and 36 as obvious over Eggleston in view of U.S. Patent No. 7,240,095 to Lewis. Applicant argues that Eggleston is directed to a substantially different system that does not anticipate or render obvious with Lewis the claims as presented in the last Amendment.

The claimed system and method is directed to a mobile device having a mail user agent and a separate mobile office platform (for example, operative as an interface between the mobile device and source mailboxes), which accesses one or more electronic mailboxes of the mail user agent using at least one protocol specific connector. The n-most recent mail headers of electronic messages are provided to the mail user agent in a default order of mail headers. If the default order cannot be provided, then the most recent mail headers are provided in an order based on associative information about an electronic mail provider and/or electronic mailbox to be accessed. If the associative information cannot be used, then all mail headers are downloaded.

The claimed system and method downloads the n-most recent mail headers, as compared to Eggleston, which downloads entire messages. In Eggleston, if the messages cannot be downloaded because they do not meet a filtering criteria, such as message size, date or other criteria, those messages are truncated as shown in FIG. 6 of Eggleston (shown below):

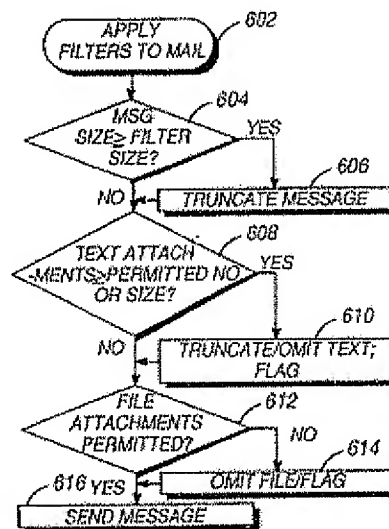


FIG. 6

Eggleston is different because the claimed system and method downloads only mail headers as compared to Eggleston that downloads entire messages and truncates a message if that message does not meet a filtering criteria as explained in detail below. Eggleston solves the technical problem associated when sessions are circuit switched into a mail server or local area network (LAN) because of the high per-minute session charges imposed by a wireless service provider. In the session-oriented or session-less communication of Eggleston (Background section), it is desirable to limit the amount of information communicated between a remote user and host to save off-site user time and limit costs arising from more expensive rates for remote communication. There is a concern to optimize the types and amounts of data being transferred when lack of effective techniques occur from monitoring and controlling an aggregate use of tariffed networks (column 2 of Eggleston). This is solved in Eggleston by a filtering

system that allows all messages to pass as a first step unless certain filtering criteria are not met. If the filter cannot pass larger messages based on some date, those messages are truncated to save bandwidth or cost. The Eggleston communication server includes a controller 229 having a virtual system manager (VSM) that operates the filter (column 5, line 42), which retains all filter rejected mail and transmits mail that can pass through the filters (column 3, line 10). Thus, only desired data transfers that meet user defined filter specifications are communicated over expensive networks. In Eggleston, either the entire message is passed or no part of the message is passed. This is not the claimed system and method in which only mail headers are passed. The entire message is not passed as clearly explained throughout the description and as claimed because only the message headers are passed. Eggleston on the other hand passes entire messages in a first step unless those messages are filtered while the claimed system and method passes only mail headers and only the n-most recent mail headers in a first step.

Eggleston explains these filter attributes (Column 8) in which some messages that fail the author or subject filter criteria are passed with header information by setting all rejected messages to be passed with a text truncation size. The filter attributes are still in existence and entire messages are still passed, except those messages that are very large. For example, larger messages having attachments are truncated since they did not pass the filter attributes. As a result, a message header is sent instead of an attachment. In the claimed system and method on the other hand, the n-most recent mail headers of electronic messages to the mail user agent are passed, as compared to Eggleston, which passes the entire message if it meets a filter criteria but truncates messages (which could include the message header). Eggleston explains this with reference to the flowchart in FIG. 6 (shown above) that describes the pre-stage filtering for email filtering. It is first determined whether the entire message can be passed by meeting filtering criteria, and if it can, then it is passed. If it is too large, then it could be truncated such as with large text attachments. This is explained in columns 9 and 10, starting at line 60 in column 9, and continuing through line 9 in column 10 as explained below:

“FIGS. 5 and 6 illustrate two approaches to prestage filtering particularly useful for email filtering. In FIG. 5, a series of five reject filters are applied to each message. If a mail message does not meet any of the criteria (priority, date, size, author, or subject/key word) then it is left unprocessed (steps 502-516). Once all unreviewed messages (i.e., all unprocessed messages, or if expanded marking is available all unprocessed messages not previously filtered) have been filtered, those not rejected are forwarded (step 518). FIG. 6 illustrates the application of granularity filters. If a message exceeds the filter size, it is appropriately truncated (including insertion of a note indicating truncation) (steps 602-606). Similarly, if there are text or file attachments, and these are marked to be filtered, they are stripped with, optionally, a note being inserted alerting the addressee that the attachment was stripped (steps 608-614). Once filtered, the message is sent (step 616).”

Eggleston makes a partial transfer of data if the entire message cannot be downloaded, which is accomplished by parsing, including the message header. Even with parsing some messages, other messages below the limit size pass through the filter and an entire message is passed at the same time. In the claimed system and method, only the n-most recent mail headers are passed and if a default order of mail headers cannot be provided, then using the associative information and if that fails downloading all mail headers.

Furthermore, the claimed system and method is directed to a process not disclosed by Eggleston. As claimed, a determination is made whether the default order of mail headers is to be provided, and if not, then the system and method determines if associative information is used. If this is not possible, then all mail headers are downloaded. This provides a virtual mailbox that is confined to a moving window within the user's mailbox and is changed depending on what the system and method can accomplish. Eggleston nowhere addresses this problem and nowhere discloses anything to perform this three-step process and system as claimed.

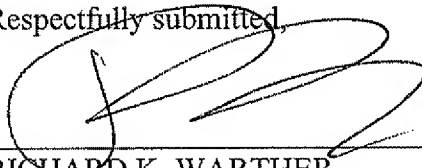
As to the combination of Eggleston and Lewis, one skilled in the art would not be motivated to combine Eggleston directed to limiting costs in sessionless or similar communications with the electronic mail notification system of Lewis, which is directed to

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notifying a subscriber of new email messages located at a post office using a proxy email client. Lewis uses information from a file containing subscriber's information to access the subscriber's email account at the post office and retrieves a portion of the email message from the subscriber's account. Lewis sends an email notification to the subscriber for alerting the subscriber of the email message at the post office as explained in its Summary of the Invention section. FIG. 2 in Lewis is an embodiment of a format for storing a unique email identification record 60 for tracking each email message and states that a user ID 62 can be used with a checksum 64 that is computed from email message headers. Another field includes the ISP domain name 66 of an individual post office. This field is used to reduce the chance of matching checksums and could include a message identification mail header 68 and post office message date 70.

Respectfully submitted,



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